IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 401 of 2005

Between:

M/s. John Distilleries Ltd. (Lessee of Sri Chamundeswari Sugars Ltd.,) K.M. Doddy, Madhur Taluk, Mandya District, Karnataka Rep by its Authorised Signatory-Abhishek Khandelwal, S/o. Satish Khandelwal, aged 26 years, R/o. 21/A Road No. 05, Mahindra Hills, Secunderabad.

..... PETITIONER

AND

1 The Commissioner of Prohibition and Excise, Andhra Pradesh, Hyderabad.
2 The Prohibition and Excise Superintendent, Chittoor, Chittoor District.
3 Prudential Sugar Corporation Limited, Regd. Office & Factory : Prudential Nagar, Koppedu Post, Nindra Mandal, Chittoor District, rep by its Authorised Signatory.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring that the Respondents-1 and 2 have no jurisdiction to cause any restriction on the transport of Molassess by the Petitioner from Andhra Pradesh State to any other place in the other states in India as such restriction is illegal and without jurisdiction apart from being violative of Article 19(1) (g) of the Constitution of India and pass such other or further orders as are necessary

Counsel for the Petitioner: MR.E.MARUTHI RAJA

Counsel for Respondents 1 and 2: G.P. for Prohibition & Excise.

The Court at the stage of admission made the following ORDER:

The petitioner seeks a writ of Mandamus declaring that respondents 1 and 2 have no jurisdiction to impose any restriction on the transport of molasses by the petitioner from Andhra Pradesh State to any other place in other States.

From a perusal of the affidavit filed in support of the writ petition and the material papers, it is evident that the petitioner earlier filed W.P.No.24108 of 2004 seeking same relief in relation to purchase of molasses from a different factory. The writ petition was disposed of with the following directions.

a. Respondents 1 and 2 shall not interfere with the transport of the molasses by the petitioner as long as it is meant for manufacture of any produce, which is not prohibited by law;

b. The petitioner shall not be entitled to use the molasses so transported for manufacture of the illicit liquor or other products prohibited by law.

The directions issued by this Court in that writ petition are not restricted to the purchase made by the petitioner from any particular factory. They are general in nature. In that view of the matter, there is no necessity to pass any separate orders.

The writ petition is accordingly closed. No order as to costs.

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20-01-2005

kdl

To

1 The Commissioner of Prohibition and Excise, Andhra Pradesh, Hyderabad.
2 The Prohibition and Excise Superintendent, Chittoor, Chittoor District.
3 Two C.Cs. to the Government Pleader for Prohibition & Excise, High Court of A.P., Hyderabad, (OUT).

4 Two C.D. Copies.